

August 22, 2011

Lester A. Heltzer  
Executive Secretary  
National Labor Relations Board  
1099 14th Street, NW.  
Washington, DC 20570

RE: Representation case procedures, RIN 3142-AA08  
VIA <http://www.regulations.gov>

Dear Secretary Heltzer:

My name is Kimberly Freeman Brown. I am Executive Director of American Rights at Work, a national advocacy organization dedicated to promoting the rights of workers to form unions and bargain collectively for decent pay, safe working conditions, and fair treatment on the job.

In 2007, Trisha Miechur and her coworkers at HCR ManorCare, a nursing home in Nazareth, PA, were hopeful that with a voice on the job they could provide better service to their patients and a better life for their families. But the company took advantage of the endless opportunities for delay in the current union election process and, four *years* later, Trisha and her coworkers still haven't had a chance to vote.

Unfortunately, Trisha's story isn't the only one of its kind. Currently when employees ask for an election on whether to form a union, they encounter significant obstacles in the form of needless bureaucratic delays and costly taxpayer-funded litigation. It can take *months and even years* before they get to cast a vote. Some never get to vote at all.

Meanwhile, the process rewards unscrupulous employers who pursue claims that are often irrelevant or found to be without merit in order to stall the election date.

These tactics work: According to a University of California at Berkeley study, when employers pursue litigation, elections occur an average of 124 days after the petition was filed. The longer the election is delayed, the more likely employers are to be charged with illegal misconduct.

These unnecessary and drawn-out legal maneuverings damage employment relations, hurt productivity, impair safety, and disrupt commerce.

By cutting back on needless bureaucracy and delays, the proposed rule modernizes the union election process so workers can vote on whether to form a union if they want to, while still giving employers ample opportunity to make their case.

Providing a clear, fair election process and reducing needless litigation will also improve stability and reduce conflict in the workplace—so everyone can get back to business.

That's good news for workers, employers, and the economy. As responsible employers can attest, when workers do choose to form a union, it can make the workplace safer and *more* productive. Unions lift productivity on average by 19 percent to 24 percent in manufacturing, 16 percent in hospitals, and up to 38 percent in the construction sector.

So it's clear that the uproar over this commonsense rule is about politics, not the economy or a genuine concern for workers. For certain legislators, this is just the latest opportunity to further an ongoing attack on the NLRB.

But at a time when millions of everyday Americans are struggling just to get by, any measure that helps give workers a real chance at the middle class can't come soon enough.

Let's not forget, at the very heart of the matter, this rule is about one thing: When employees want to vote, they should have a fair chance to do so. As the countless workers who have seen their hopes for a better life deferred again and again know all too well, justice delayed is truly justice denied.

Thank you very much for this opportunity to comment on the proposed rule.

Sincerely,

Kimberly Freeman Brown  
Executive Director  
American Rights at Work